UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,705	12/08/2000	Tatsu Inoue	Q62170	9696

23373 7590 07/06/2007

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER	
LAMBRECHT, CHRISTOPHER M	
ART UNIT	PAPER NUMBER
2623	

MAIL DATE	DELIVERY MODE
07/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/731,705	INOUE, TATSU	
	Examiner	Art Unit	
	Christopher M. Lambrecht	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 April 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7-11 and 13-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7-11 and 13-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *11/22/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 19 April 2007 have been fully considered but they are not persuasive.

Regarding claims 1, 7, 13, and 14, Applicant argues that combination of Milnes and Kohno (both of record) fails to disclose "wherein said first portion is adjacent to said second portion along said time axis." This argument is addressed in the advisory action mailed 11 April 2007. Applicant further argues, however, that Milnes fails to disclose wherein said portion is adjacent and parallel to said second portion along said time axis, as recited in claim 1.

Milnes, fig. 2, shows a plurality of program cells (e.g., 115), each having first (shaded) and second (unshaded) portions as claimed, wherein said first (shaded) portion is adjacent to (abutting) said second (unshaded) portion along said time (horizontal) axis. Further, both the first and second portions for a given cell extend horizontally, i.e., "along the time axis"; the first and second portions are therefore parallel "along the time axis." Accordingly, Milnes discloses "wherein said first portion is adjacent and parallel to said second portion along said time axis" as recited in claims 1, 7, 13, and 14.

Regarding claim 15, Milnes discloses said cells contain a third portion ("program name shown in portion 135"), which is different from said first and second portions (shaded and unshaded background regions), and is displayed in a form (text) different

from both of said first (shaded background) and second (unshaded background) portions. (See Kohno, col. 3, ll. 42-60, fig.2).

Applicant asserts that the cited references fail to disclose various additional limitations recited in the remaining dependent claims; Applicant however, provides no specific arguments beyond those addressed above with respect to independent claims 1, 7, and 13-15. The

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-5, 7-11, and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Milnes et al. (Milnes), U.S. Patent No. 6,118,492 in view of Kohno et al. (Kohno), U.S. Patent No. 6,462,784.

Regarding claims 1 and 7, Milnes discloses a program guide displaying apparatus and corresponding method comprising:

a program information obtaining device (38, fig. 1) for obtaining program information (col. 2, line 61 - col. 3, line 10) including information indicative of a program name, a genre name, a start time, a length of a program or an end time, a

broadcasting channel and a broadcasting date of respective one of a plurality of programs (col. 3, lines 33-61);

a setting device for setting a specific condition with respect to at least one of a time and a channel of the program (color-coding scheme [col. 3, lines 42-60] visually distinguishes programs with respect to time); and

a displaying device (col. 3, lines 5-10) which displays a first program table (illustrated in fig. 2) and a second program table (guide with program listings limited according to theme; col. 5, lines 1-9), wherein said display device displays in a first program table (fig. 2) a plurality of program information for said programs in a plurality of cells, such that each of said cells contains information on one of said programs (i.e., title or name), wherein said cells are arranged in a 2-dimensional format having a time axis (horizontal) and a channel axis (vertical);

wherein said displaying device displays in said second program table the plurality of program information which has been edited for each genre of said programs (i.e., displays program information for programs fitting a particular theme; col. 5, lines 1-9), and a form of display for each genre is differentiated for each genre (theme based color coding, col. 3, lines 42-60; see also col. 2, lines 4-9); and

wherein a first portion (background color within time range indicated as 135 of fig. 2) of each of said cells, which satisfies the specific condition set by said setting device (i.e., available for viewing) is displayed in a display form which is different from that of a second portion (background color outside of time range indicated as 135 of fig.

2) of each of said cells which does not satisfy the specific condition set by said setting device (unshaded regions of, e.g., program cells corresponding to ESPN, HBO, and A&E),

wherein said first portion is adjacent and parallel to said second portion along said time axis (see fig. 2 and col. 3, line 53 - col. 4, line 11).

Milnes does not disclose displaying a third portion identifying a present day to a day next week, and wherein if one day of the third portion is specified, the programs of the one day are displayed in the first program table. However, in an analogous art, Kohno discloses a program guide display that displays a first table (see fig.16) including the claimed third portion (199) identifying a present day ("TODAY") to a day next week ("1 TUE"), wherein if one day of the third portion is specified, the programs of the one day are displayed in the first program table (col. 11, ll. 17-53). This enables direct and rapid changing of the selected day (col. 11, ll. 37-43).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the program guide display of Milnes to include a third portion identifying a present day to a day next week, wherein if one day of the third portion is specified, the program of the one day are displayed in the first program table, as taught by Kohno, to enable faster browsing of the program listings.

As to claims 2-3 and 8-9, Milnes in view of Kohno discloses a program guide displaying apparatus and corresponding method according to claims 1 and 7. Milnes further discloses wherein said displaying device displays the first program table and the

second program table such that the first portion of each program within the first program table (fig.2) and a portion of each genre within the second program table (e.g., fig.3) are displayed with a same color (and thus pattern) (col.5 ll.60-67, col.3 ll.47-58) for each genre (selected from fig.4, col.5 1-9; first [fig. 2] and second [limited form of fig. 2] program tables color code programs according to genre; see above).

As to claims 4-5 and 10-11, Milnes in view of Kohno discloses a program guide displaying apparatus according to claims 1 and 7, wherein said displaying device displays the first program table and the second program table such that the first portion of each program, which satisfies the specific condition, is displayed with a color (and thus pattern) different from that for the portion of each program, which does not satisfy the specific condition (col. 3, lines 42-60).

As to claims 16 and 17, Milnes in view of Kohno discloses the apparatus of claims 14 and 15, wherein the form of display of said first, second and third (or genre) portions of said cells is color (col. 3, lines 42-60).

4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Milnes in view of Kohno as applied to claim 2 above, and further in view of Orito, U.S. Patent No. 6,392,709.

Milnes in view of Kohno discloses a program guide displaying apparatus as discussed above with respect to claims 1 and 2. In addition, Milnes discloses displaying a

freely movable cursor in said first program table, as claimed (see col. 3, lines 5-33 and col. 5, lines 10-40).

Milnes in view of Kohno fails to disclose displaying a summary information cell of a program selected by said cursor, wherein the first program table and the summary information cell are displayed at the same time. However, in an analogous art, Orito discloses a summary information cell which indicates a summary content of a program displayed as a cell in a program table when said program is selected by a cursor displayed in said table, wherein the program table and the summary information cell are displayed at the same time (see figs. 9-10 and col. 6, line 44 - col. 7, line 20). Orito further discloses that summary information cell scheme disclosed therein enables the user to obtain additional program information without obscuring the relationship between the program table and the summary information (col. 1, line 55 - col. 2, line 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Milnes in view of Kohno to include a summary information cell displayed at the same time as the first program table, as taught by Orito, for the benefit of providing a more user-friendly interactive programming guide.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lemmons, U.S. Patent No. 6,481,011 B1 (see abstract).

6. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on _____.
(Date)

Typed or printed name of person signing this certificate:

_____

Signature: _____

Registration Number: _____

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. ( )_____ - _____ on _____.
(Date)

Typed or printed name of person signing this certificate:

_____

Signature: _____

Registration Number: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Lambrecht whose telephone number is (571) 272-7297. The examiner can normally be reached on Mon-Fri, 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher Lambrecht
Examiner
Art Unit 2623

/cml/

JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600